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DOI <https://doi.org/10.32782/yuv.v3.2024.43>**D. Ivzhenko,**Postgraduate Student at the Department of Constitutional Law
Institute of Law
Taras Shevchenko National University of Kyiv

THE PRINCIPLE OF RULE OF LAW AND THE CONCEPT OF TRANSITIONAL JUSTICE AS KEY ELEMENTS OF POST-CONFLICT SETTLEMENT

The statement of the problem.

The study focuses on examining the role and effectiveness of the principle of rule of law and transitional justice in achieving sustainable post-conflict resolution. It explores how these concepts contribute to rebuilding trust in institutions, addressing human rights violations, and fostering societal reconciliation in the aftermath of armed conflicts. Russian Federation started full scale war against Ukraine on the 24th February 2022. Moreover, the armed conflict, which covered the Republic of Crimea and some areas of the Donetsk and Luhansk regions, has been going on for more than 10 years. The international community uses possible normative tools to settle it and stop the use of force. Among the main areas of peacebuilding support are the signing of a peace agreement, ceasefire and disarmament, transitional justice, the application of amnesty, reconciliation of the civilian population (reintegration) and ensuring the fair prosecution of persons guilty of crimes committed during the armed conflict.

Recent studies and publications on the principle of rule of law and the concept of transitional justice as key elements of post-conflict settlement have emphasized their critical role in rebuilding societies shattered by conflict. Scholars have explored various aspects, including the application of international legal norms, the role of

local judicial systems, and the challenges in implementing transitional justice mechanisms effectively. Discussions often highlight the complexities of balancing justice, reconciliation, and societal healing, particularly in contexts marked by deep divisions and historical injustices. Contemporary research underscores the need for tailored approaches that integrate both international standards and local contexts to achieve sustainable peace and justice.

Analysis of recent research and publications. The following scientists and researchers have been working on the issue - I. Bilas, V. Butkevich, M. Hnatovskiy, V. Denisov, O. Zadorozhniy, V. Lysyk, O. Vasylchenko. They've been researched separate issues of international legal provision of post-conflict settlement and peacekeeping operations.

Examining various legal principles, with a focus on foundational and general ones, highlights the significance of the rule of law, which is pivotal for understanding fundamental legal principles today. Ronald Dworkin, an American law professor, underscores the need for clarity in addressing the paradox of the rule of law, rejecting legal ambiguity [16, p. 15]. Brian Tamanaha, another prominent scholar, stresses the rule of law as a critical and legitimizing political ideal in the



modern era, despite ongoing debates over its precise definition [17, p. 4]. Moreover, it is crucial to explore the historical origins that have shaped this principle into a pertinent concept in contemporary legal discourse.

“Rule of law” means the absolute supremacy or dominance of legal rules as opposed to the influence of arbitrary authority, and excludes the existence of arbitrary powers or even broad discretionary powers of state authority. Dicey noted that Englishmen are subject to the rule of law and only the law; here a person may be punished for a breach of the law and nothing else [18, p. 40].

The issue of peacekeeping activities and post-conflict settlement in Ukraine, despite the available fragmentary studies, requires a comprehensive analysis of the international legal features in this area on specific examples of foreign countries, as well as the development of proposals for potentially possible tools for their use in conflict settlement in Ukraine.

The aim of the article.

The purpose of the article is to comprehensively analyze and evaluate the principle of rule of law and the concept of transitional justice within the context of post-conflict resolution. It aims to explore their theoretical underpinnings, practical applications, and their impact on rebuilding societies affected by armed conflict. Additionally, the article seeks to identify challenges, opportunities, and effective strategies associated with implementing these principles to achieve sustainable peace, justice, and reconciliation in post-conflict environments.

Presentation of the main material. More than 70 years have passed since the end of the Second World War. Thus, the tragic consequences forced the international community to create a comprehensive organization to ensure peace and security in the world. The formation of the United Nations, proclamation in

its Charter such principles as peaceful settlement of disputes, incompatible with the use of force, seemed to lead to the prohibition of war. Although the era of the Cold War has passed, the confrontation between opposing socio-political systems has disappeared, the world has changed its face, but by no means has become safer and less controversial.

The world community faces acts of international and non-international armed conflicts, international terrorism, atrocities against the civilian population in the course of armed conflicts. Internal armed conflicts taking place in various countries of the world lead to endless deaths of the civilian population, violence, acts of terror, ethnic cleansing, the emergence of significant flows of refugees and displaced persons, the separation of families, the destruction of cultural values, natural resources.

The security structures and institutions that arose after the end of the Cold War to deter conflicts between blocs turned out to be inadequate for the task of preventing the conflicts mentioned above. This is evidenced, in particular, by the experience of operations in Somalia, Bosnia and Herzegovina, Rwanda.

The countries of the former USSR did not avoid such armed conflicts either. Thus, the collapse of the USSR led to an increase in instability throughout its territory and subsequently to the emergence of armed conflicts, first between Azerbaijan and Armenia over Nagorno-Karabakh, Georgia against Abkhazia and South Ossetia, Moldova and Transnistria, then to an armed conflict in Tajikistan and Chechnya, in the south-east of Ukraine (Donetsk and Lugansk regions).

World history knows many examples of armed conflicts, both international and non-international. Of course, in connection with the continuous development of technological innovation, social modernization, economic development, as well as



due to changing approaches of states to armaments, strengthening military structures and military management, the mechanisms for resolving armed conflicts and forming are constantly changing.

Post-war society is inevitably characterized by a low level of trust not only in public authorities but also to each other in the society, especially if the armed conflict was accompanied by ethnic, national, religious and linguistic confrontations. In view of this, the important mission of the state is to develop a detailed strategic course to restore public confidence, overcome social stratification, as well as the psychological, economic and political consequences of military conflict.

Afghanistan, Iraq, Kosovo, East Timor and others - examples of post-conflict societies, some of which have been successful, others have not, have come a long way in restoring the rule of law, building trust in national institutions, constructing destroyed infrastructure and social sphere. At the same time, in each orchestral case, different mechanisms of post-conflict settlement and peacebuilding were established. For example, EU Common Security and Defense Policy (CSDP) police missions were deployed to Bosnia and Herzegovina to build law enforcement and restore confidence in the judiciary. Instead, after forty-six years of apartheid in South Africa, in 1995, after the election of Nelson Mandela as President, the Law on Promoting National Unity and Reconciliation was passed, establishing the Truth and Reconciliation Commission. Thus, there are many ways to achieve national reconciliation and overcome the consequences of armed conflict, none of which can be called absolutely ideal [1].

The above highlights the dynamic nature of armed conflicts and the evolving mechanisms for their resolution. Technological advancements, social modernization, economic development,

and changing military strategies significantly influence how conflicts are managed and resolved. Post-conflict societies often struggle with low levels of trust in public authorities and among citizens, particularly in contexts of ethnic, national, religious, and linguistic divisions. Therefore, a critical role of the state is to develop comprehensive strategies to rebuild trust, address social disparities, and manage the psychological, economic, and political aftermath of conflict.

Afghanistan, Iraq, Kosovo, and East Timor illustrate the varied paths of post-conflict recovery, with mixed success in restoring the rule of law, building institutional trust, and reconstructing infrastructure and social systems. Each case employs different mechanisms for post-conflict settlement and peacebuilding. For example, the EU deployed CSDP police missions to Bosnia and Herzegovina to strengthen law enforcement and judicial confidence. In South Africa, the post-apartheid Truth and Reconciliation Commission was established to promote national unity and reconciliation.

The path to national reconciliation and overcoming the consequences of armed conflict is multifaceted and context-dependent. There is no universally ideal approach, and each situation requires a tailored strategy that considers the unique social, political, and economic realities of the affected society. The examples provided show that while progress is possible, it demands sustained effort, adaptability, and a commitment to addressing the root causes of conflict and fostering inclusive governance.

At the same time, given that Ukraine has been living in the ongoing armed conflict for seven years, moreover, as of 24 February 2022 Russian Federation fully invaded Ukraine, it is necessary to develop not only a roadmap for ending the armed conflict but also to develop an optimal model of post-conflict reconciliation and construction, using foreign experience.



According to the Report of the United Nations High Commissioner for Human Rights, states that have been emerged from an active and hot phase of armed conflict and crisis are vulnerable to the rule of law, characterized by distrust of law enforcement and justice. This situation is often exacerbated by a lack of public confidence in government agencies and a lack of resources.

The modern understanding of the concept of “the rule of law” owes its existence to the British professor and constitutionalist, A. Daisy. In his work “Introduction to the Study of Constitutional Law”, the scholar identified three main elements of the principle of the rule of law:

1. protection of man from the arbitrariness of the state;
2. equality before the law;
3. the principle of the rule of law [2].

Each post-war state in the post-conflict period has used various international mechanisms to establish justice in society. In the scientific work it is proposed to consider examples of some of them.

Since declaring its independence in 2008, Kosovo is still struggling with a low level of the rule of law and a weak justice system that is unable to fully protect the rights, freedoms and legitimate interests of its citizens. Police, prosecutors and courts are prone to political interference and abuse of power. Organized crime and corruption are widespread and growing. Nevertheless, the rule of law has improved significantly during the UN Mission in Kosovo (1999-2008) [3, p. 9].

According to the European Commission’s report, Kosovo is at an early stage of preparation for applying the EU acquis and European standards in this area. Some progress has been made, including investigating and prosecuting high-level corruption and organized crime cases, and partially implementing rule of law-related legislation concerning the judiciary,

corruption, and organized crime. However, issues with the capacity of the judiciary and prosecution persist. Regarding fundamental rights, strategies and policies need to be streamlined, and proper oversight provided. The government needs to prioritize fundamental rights more seriously and elevate them on the political agenda, and existing human rights mechanisms must be strengthened [4].

In order to restore the rule of law in post-conflict society, the Government could go through establishing independent human rights commissions to promote the peaceful settlement of disputes and the protection of vulnerable groups where the justice system is not yet fully operational. Many such commissions have been established in conflict and post-conflict societies with mandates, including quasi-judicial conflict resolution and protection programs. Recent examples include the national human rights institutions of Afghanistan, Rwanda, Colombia, Indonesia, Nepal, Sri Lanka and Uganda. Mentioned before examples highlight that a truth commission’s short duration can be made most of when there is a clear understanding of transitional justice as ultimately an element of a slow and necessarily protracted—yet feasible—process of historical change. Without the proposal for a long-term project that can continue its work, the mission of a commission may be seen as temporary and therefore weaker. In short timeframes, it is not possible to consolidate citizen recognition of those who most suffered the violence and denial of their rights.

Professor R. Spencer emphasizes that this is an extremely complex area, so every peacekeeping operation should be conducted with experts who can analyze the role of various key representatives of the justice sector - judges, prosecutors, lawyers, police, prison officials and ministries, such as Ministry of Justice, Interior and Defense [8, p. 139].



Professor R. Titel in his work on justice in transition notes that the concept of transitional justice began to be actively studied in the period after the Second World War.

Van Zyl and Freeman in 2002 compared transitional justice to biotechnology, that is “undergoing such rapid change that new developments often precede careful considerations of their impacts and implications” [5, p. 3].

Questions associated with transitional justice have been occasionally discussed by the UN bodies since the early 90s. In 2003 the Security Council first mentioned the term in the framework of its longstanding work on the international rule of law. At the 4833 Session, which took place on the 24 of September 2003, the Council has set the Justice and the Rule of Law as an item of its agenda. Jack Straw, who was at the time, The President of the Council as a representative of the United Kingdom, has set the direction of the discussion noting that the UN has long wrestled “with the challenges of bringing countries out of conflict and into societies based on justice and the rule of law” [6].

Thus, during the London Conference on August 8, 1945, a historic decision was made to establish the International Military Tribunal, which considered three categories of crimes: 1) crimes against peace; 2) war crimes; and 3) crimes against humanity.

Despite the fact that the Nuremberg trials were not without their shortcomings (such as the politicization of the judicial process, the appointment of judges and prosecutors exclusively by the four victorious states, because of which it was in fact the trial of the victors against the vanquished), the principles of the process are important, which are reflected in many military tribunals and courts today [10].

Another mechanism for transitional justice is the creation of special courts. After the end of the war in Sierra Leone and the conclusion of the Lomé Peace

Treaty in 1999, civil society demanded the establishment of an international tribunal to investigate crimes committed during the civil war. Then, in January 2002, an agreement was signed between the UN and Sierra Leone to establish a Special Court [11, p. 127]. According to the Statute, the main purpose of the Special Court was to prosecute those responsible for violations of international humanitarian law and the Sierra Leone Law, including leaders who threatened to establish peace in the country by committing such crimes. The Special Court in Sierra Leone has mixed jurisdiction, but in practice applied mainly the rules of international law, including the provisions of the Geneva Conventions and Additional Protocols. The establishment of the Special Court had two main reasons: first, the restoration of the destroyed judicial system of the state as a result of internal armed conflict; secondly, the absence in the national legislation of Sierra Leone of the consolidation of certain types of crimes committed in the territory of this state [12, p. 410].

Another example that is proposed to research in the scientific study is the application of the concept of transitional justice in the Croatian War for Independence. Croatia has not followed the example of other post-conflict states and has not set up special international or national bodies to investigate the most serious crimes and bring the perpetrators to justice. National (district) courts in Croatia have dealt with war crimes, crimes against humanity and peace since the beginning of the war.

As of 2014, due to the illegal annexation of Crimea, the temporary occupation of certain regions of Donetsk and Luhansk regions and the full invasion of Russia as of 24 February 2022, Ukraine has been experiencing an armed conflict caused by the aggression of the Russian Federation.

As a result of the above events, civil society in Ukraine is significantly



dispersed due to national, linguistic and cultural differences. At the same time, the President of Ukraine and other persons in charge of foreign relations have repeatedly spoken out about the settlement of the armed conflict exclusively by peaceful means.

On the 21 May, 2022 in the interview with Ukrainian journalists, the President of Ukraine, Volodymyr Zelenskyy: "We must understand that the war in Donbas should be resolved only through diplomacy. But now negotiations are like a car, not a petrol car and not an electric car, a hybrid. That's why the war is so difficult, and victory will be very difficult, it will be bloody, it will definitely be in battle, but the ending will definitely be achieved through diplomacy. I'm sure of it" [13].

The President of Ukraine also stated that the situation is very difficult. We're losing 60-100 soldiers per day as killed in action and something around 500 people as wounded in action. So we are holding our defensive perimeters. The most difficult situation is in the east of Ukraine and southern Donetsk and Luhansk [14].

In post-conflict Ukraine, we will inevitably face legal insecurity, mistrust in society, limited economic and social resources, discredited political institutions - of course, all of the above is not an ideal environment for establishing and promoting the rule of law.

Therefore, the first step towards restoring the rule of law in the de-occupied territories of Ukraine should be disarmament, demilitarization and reintegration of participants in the armed conflict. Indeed, after a long conflict, unstable economic and political conditions, dispersed morally and psychologically, it is necessary to stabilize the political climate in the reintegrated territory, to prevent persecution of those who committed certain categories of crimes other than genocide, crimes against humanity and war crimes. It should be noted that

the Amnesty and Truth Commission is one of the possible ways to achieve this goal. Before raising such complex issues as the establishment of law and order and security policy, it is necessary to address the issue of their return to the legal field of Ukraine. The nation must find the truth about serious human rights violations, victims must be compensated, internally displaced persons and migrants must be able to return home.

Another important mechanism for ensuring the rule of law in post-conflict areas is compensation for damage to participants in armed conflict. The following principles and guidelines have been established in the international experience of the institution of compensation for civilians and combatants affected by armed conflict:

1. Restitution - measures to restore the victim's status quo, which existed before gross violations of international human rights law and serious violations of international humanitarian law, such as restoration of liberty, identity documents, return to residence, reinstatement and return of property.

2. Compensation - is provided for any damages caused, which are subject to economic justification in the prescribed manner, in proportion to the severity of the violation and the circumstances of each case.

3. Satisfaction - includes a wide range of measures, from the cessation of violations, the establishment of the truth, to the search for missing persons, public apologies and the application of judicial and administrative sanctions.

4. Guarantees of non-recurrence of conflict - a common category of measures, including institutional reform of the judiciary, protection of human rights defenders, organization of human rights training courses, strengthening international human rights standards in civil service, law enforcement, media, industry and psychological and social service.



Conclusions. The rule of law and transnational justice are understood as core elements which help the state to deal with atrocities that occurred in the past because of an armed conflict or authoritarian regime. This process may include judicial and non-judicial mechanisms and involves not only legal aspects but also political, sociological, economic, and ethical aspects, although here it will be analyzed from a legal perspective.

The varied experiences of Afghanistan, Iraq, Kosovo, and East Timor demonstrate that successful post-conflict recovery can take many forms, with each context requiring tailored approaches. Examples such as the EU CSDP police missions in Bosnia and Herzegovina and the Truth and Reconciliation Commission in post-apartheid South Africa illustrate that while different strategies can achieve positive outcomes, there is no one-size-fits-all solution. Ultimately, the effectiveness of post-conflict mechanisms hinges on their ability to adapt to the specific needs and circumstances of each society, fostering sustainable peace and inclusive governance.

It's important to understand that successful rule of law and transitional justice framework for post-conflict Ukraine have to take into account the impact of Russia's armed conflict with Ukraine that preceded this year's full-scale invasion. Taking into consideration the experience of foreign countries, Ukraine needs to continue transformation by strengthening state-civil society cooperation, eradicating corruption across the state sector, implementing interim and comprehensive reparation schemes for survivors, proposing sustainable and inclusive truth-seeking initiatives, elaborating prevention policies in all sectors and levels of governance.

Prospects for further research on the topic "The principle of rule of law and the concept of transitional

justice as key elements of post-conflict settlement" include a detailed analysis of the practical implementation of these concepts in specific post-conflict situations. Research could focus on studying the effectiveness of legal mechanisms ensuring the rule of law in transitional justice contexts, as well as identifying best practices in international cooperation for post-conflict resolution. Additionally, it is important to investigate the impact of these concepts on national reconstruction processes, including the restoration of legal institutions, building peaceful relations, and ensuring human rights in the post-war period.

The relevance of the chosen topic is due to the inevitable need for developing an effective and targeted post-conflict resolution mechanism following the end of both international and non-international armed conflicts. It is crucial to recognize that each case should be considered individually, taking into account the economic, political, social, and other components of the post-conflict environment. Among the elements that play a key role in post-conflict resolution are the principle of the rule of law and the concept of transitional justice. The aim of this article is to reveal the features of specific elements of post-conflict resolution after the end of an armed conflict, considering the application and adaptation of foreign experience to Ukrainian realities, as well as to determine the role of the rule of law, transitional justice, and the international peacekeeping process in the post-war period. The theoretical and methodological basis of the study includes general scientific and special legal methods to obtain objective results, particularly the dialectical method for analyzing the development of constitutional law in conditions of armed conflict and the formal-legal method for analyzing normative components.



A comparative legal method was also used to study post-conflict resolution mechanisms in foreign countries. As a result of the research, the main approaches of foreign countries to the application of such elements as the rule of law and post-conflict resolution during the post-war reconstruction period have been disclosed, and conclusions regarding the application of the above-mentioned elements for Ukraine have been presented. The chosen topic of the scientific article has significant scientific and practical importance considering the full-scale war of the Russian Federation against Ukraine and the necessity to study the mechanisms of post-war state reconstruction. The research contributes to the development of legal theory, particularly in the aspects of the rule of law and transitional justice. This allows scholars to better understand how these concepts can interact and complement each other in the process of post-conflict recovery. The results of the research can be used to develop effective post-conflict resolution policies that will include ensuring the rule of law and implementing transitional justice.

Key words: rule of law, post-conflict regulation, protection of human rights from state arbitrariness, transitional justice.

Івженко Д. Принцип верховенства права та концепція перехідного правосуддя як основні елементи постконфліктного врегулювання

Актуальність обраної теми зумовлено тим, що після завершення як збройних конфліктів міжнародного характеру, так і неміжнародних збройних конфліктів неминуче постає потреба в розробці ефективного та цілеспрямованого механізму постконфліктного врегулювання. Важливо усвідомлювати, що кожен такий випадок слід розглядати окремо з огляду на економічні, політичні, соціальні та інші складники

постконфліктної середовища. Серед елементів, які відіграють ключову роль в постконфліктному врегулюванні, принцип верховенства права та концепція перехідного правосуддя. Мета статті – розкрити особливості окремих елементів постконфліктного врегулювання після завершення збройного конфлікту, враховуючи застосування та адаптацію зарубіжного досвіду до українських реалій, а також з'ясування ролі верховенства права, правосуддя перехідного періоду та міжнародного миротворчого процесу в післявоєнний період. Теоретико-методологічна основа дослідження включає загальнонаукові та спеціально-правові методи для отримання об'єктивних результатів, зокрема, діалектичний метод для аналізу розвитку конституційного права в умовах збройного конфлікту та формально-юридичний метод для аналізу нормативних складників. Також використовувався порівняльно-правовий метод для вивчення механізмів постконфліктного врегулювання у зарубіжних країнах.

В результаті дослідження розкрито основні підходи зарубіжних країн до застосування таких елементів, як верховенство права та постконфліктне врегулювання в період післявоєнної розбудови, а також представлені висновки щодо застосування окреслених вище елементів для України. Обрана тематика наукової статті має важливе наукове та практичне значення з огляду на повномасштабну війну російської федерації проти України та необхідність дослідження механізмів поствоєнної відбудови держави. Дослідження сприяє розвитку теорії права, зокрема, в аспектах верховенства права та перехідного правосуддя. Це дозволяє науковцям краще зрозуміти, як ці концепції можуть взаємодіяти і доповнювати одна одну у процесі відновлення після конфліктів. Результати дослі-



дження можуть бути використані для розробки ефективних політик постконфліктного врегулювання, що включатимуть забезпечення верховенства права та впровадження перехідного правосуддя.

Ключові слова: верховенство права, постконфліктне регулювання, захист прав людини від свавілля держави, правосуддя перехідного періоду.

Bibliography

1. *The South African Truth and Reconciliation Commission, established under Promotion of National Unity and Reconciliation Act, No. 34 of 1995.* URL: <https://www.justice.gov.za/legislation/acts/1995-034.pdf>

2. Dicey, A.V. (1915). *Introduction to the study of the Law of the Constitution* (8th ed). URL: <https://oll.libertyfund.org/>

3. Crisis Group Europe Reports No 125, *Kosovo Roadmap (II): Internal Benchmarks, 1 March 2002.* URL: https://www.files.ethz.ch/isn/28044/125_kosovo_roadmap.pdf

4. *Commission staff working document. Kosovo Report.* Brussels. SWD (2023). URL: <https://op.europa.eu/en>

5. Van Zyl M. *Conference Report / M. van Zyl, M. Freeman in A. Henkin (ed.) The Legacy of Abuse: Confronting the Past, Facing the Future.* - Washington: Aspen Institute, 2002.

6. *Justice and the Rule of Law: the United Nations Role . Security Council Report S/PV4833, 24 September 2003.* URL: <https://www.securitycouncilreport.org/>

7. *Promotion of National Unity and Reconciliation Act No. 34. (1995, July). Truth and Reconciliation Commission Website.* URL: <https://www.justice.gov.za/legislation/acts/1995-034.pdf>.

8. *International Crisis Group's Balkans Report No. 125 "Kosovo Roadmap (II): Internal Benchmarks". (2002, March).*

URL: https://www.files.ethz.ch/isn/28044/125_kosovo_roadmap.pdf.

9. Spence, R. (2001). *Post-conflict peacebuilding: Who determines the peace? Rethinking Humanitarianism Conference Proceedings* (pp. 137-138). St Lucia: University of Queensland. URL: <https://rune.une.edu.au/web/handle/1959.11/1503>

10. *Report of the Secretary-General "The rule of law and transitional justice in conflict and post-conflict societies". (2004, August).* URL: <http://archive.ipu.org/splz-e/unga07/law.pdf>.

11. Ojuatey-Kodjoe, W. (2003). *Sierra Leone.* In J. Boulden (Ed.), *Dealing with conflict in Africa: The United Nations and regional organizations* (pp. 127-152). New York: Palgrave Macmillan. URL: <https://link.springer.com/book/10.1057/9781403982209>

12. McEvoy, K., & Mallinder, L. (2012). *Amnesties in Transition: Punishment, Restoration, and the Governance of Mercy.* *Journal of Law and Society*, 39(3), 410-440.

13. Зеленський: Кінець війни буде дипломатичним шляхом, але гібридним. 21 травня 2022. URL: <https://www.pravda.com.ua/eng/news/2022/05/21/7347608/>.

14. Президент Зеленський: За добу загинуло 60-100 українських військових, близько 500 поранено. URL: <https://www.ukrinform.net/rubric-ato/3497061-president-zelensky-60100-ukrainian-soldiers-killed-per-day-and-around-500-wounded.html>

15. Adashys L. *Concepts and Preconditions of European Regional Policy.* *Philosophy, Economics and Law Review.* 2021. Vol. 1. P. 139-145.

16. Dworkin, R. (2013). *Rule of Law.* *Philosophy of Law and General Theory of Law.* No. 1. pp. 15-23.

17. Brian Z. Tamanaha. *On the Rule of Law: History, Politics, Theory.* Cambridge University Press, 2004. 180 p.

18. Dicey A.V. *The Foundations of the English State Law: Introduction to the Study of the English Constitution; Translated and supplemented from the 6th English edition by O.V. Poltoratskaya; Edited by V.G. Vinogradov.* Moscow: Typography of the I.D. Sytin Society, 1905. 660 pages.

